

**Notice of Public Hearing**  
LSA Document #11-170**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on August 26, 2011, at 10:00 a.m., at the Indiana Government Center North, 100 North Senate Avenue, Room N501, Division of Hearings Main Conference Room, Indianapolis, Indiana, the Natural Resources Commission will hold a public hearing on a proposed rule to add [312 IAC 10-2-29.5](#) to define a mass of wood debris; to add [312 IAC 10-4-5](#) to authorize a license for the removal of a logjam or mass of wood debris in a natural, scenic, or recreational river; to amend [312 IAC 10-5-0.3](#) to remove the reference to logjams and make other technical corrections; to amend [312 IAC 10-5-6](#) governing the removal of logjams in salmonid streams with written notice to the department; to add [312 IAC 10-5-6.5](#) to allow the removal of logjams in natural, scenic, and recreational rivers under a general license with written notice to the department; and to repeal [312 IAC 10-5-0.6](#).

[IC 4-22-2-24\(d\)\(3\)](#) Justification Statement: These proposed rules in this package from the Department of Natural Resources (DNR) govern the removal of logjams and masses of wood debris in rivers and streams. The DNR has proposed new rules to define a mass of wood debris ([312 IAC 10-2-29.5](#)) and set forth conditions for a construction in a floodway permit issued for the removal of a logjam or mass of wood debris in a natural, scenic, or recreational river or stream in [312 IAC 10-4-5](#) under the authority of [IC 14-28-1-22](#) by the use of an excavator, small tractor, or similar equipment. The DNR has also proposed changes to [312 IAC 10-5-6](#) governing general licenses for logjam removals to require this approval only for those in salmonid streams. This change is necessitated by the change in the statute in [IC 14-28-1-22](#) (b)(6). The changes in [312 IAC 10-5-6.5](#) will allow logjams and masses of wood debris to be removed from natural, scenic, or recreational rivers or streams by hand or handheld tools with only a general license (written approval from the DNR) and not a construction in a floodway permit ([312 IAC 10-5-6.5](#)). The rule proposals in this package have the potential to impose costs or requirements on regulated entities and small businesses. However, two of the rule proposals will reduce requirements for regulated entities and small businesses by creating license exemptions for the removal of logjams and masses of wood debris in salmonid streams ([312 IAC 10-5-6](#)) and in natural, scenic, or recreational rivers and streams ([312 IAC 10-5-6.5](#)). Currently, [IC 14-28-1-22](#) requires a construction in a floodway permit with an application fee of \$200 for the removal of a logjam or mass of wood debris in a natural, scenic, or recreational river or stream. There is currently no exception; therefore, the general license would allow regulated entities to remove logjams in these three designated waterways with only a general license (approval from the DNR). The primary and direct benefits of the proposed rules are the following: (1) the elimination of the need for a construction in a floodway permit and that has a \$200 permit application fee and other costs for the required paperwork for individuals and businesses that need to remove a logjam or mass of wood debris to help alleviate flooding; and (2) the reduction in the number of permit applications and general license requests that must be reviewed by DNR staff. By eliminating the permit or general license requirement, individuals, businesses, and government entities will be able to remove a logjam or mass of wood debris much more quickly and with fewer costs. The direct benefits to regulated entities will be for those individuals or businesses that need to remove a logjam or mass of wood debris quickly to alleviate flooding without having to apply for a construction in a floodway permit for waterways other than natural, scenic, or recreational rivers. If the logjam or mass of wood debris is in a salmonid stream, only written approval is required from the DNR, and it is free of charge. There are cost reductions to individuals and businesses as a result of these rule changes by the elimination of the permit requirement to remove a logjam or mass of wood debris in certain waterways. Logjams will be able to be removed from natural, scenic, or recreational rivers and streams by hand or handheld tools without a permit. Only a free general license (with written approval) from the DNR will be required ([312 IAC 10-5-6.5](#)). Logjams can continue to be removed from salmonid streams with only a general license from the DNR which is available free of charge.

Sources of information for determining costs and benefits were obtained from staff of the DNR Division of Fish and Wildlife and Division of Water.

Copies of these rules are now on file at the Indiana Government Center North, 100 North Senate Avenue, Room N501 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

Bryan W. Poynter  
Chairman  
Natural Resources Commission

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